

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE FIFTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI JUSTICE N.V. RAMANA

WRIT PETITION NO.26520 of 1995

Between:

Kundarapu Sudhakar, S/o. Gopaiah,
R/o.Huzurabad, District Karimnagar.

..... PETITIONER

AND

- 1 The Executive officer, Gram Panchayat, Huzurabad Town,
Huzurabad, Dist.,Karimnagar.
- 2 The Sarpanch, Grampanchayat Huzurabad,
Huzurabad Town, Karimnagar District.

....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue an order, direction or Writ more particularly one in the nature of Writ of Mandamus, declaring the action of the Respondents in removing/demolishing the Balcony of the Building bearing Municipal No. 12-49, situated at Huzurabad Town, Huzurabad, District Karimnagar without any due process of Law, as illegal, arbitrary, contrary to provisions of the Act, besides violative of principles of natural justice and fundamental rights and consequently direct the Respondents not to remove/demolish the Balcony of the petitioner's Building at Huzuarabad Town, Karimnagar District.

Counsel for the Petitioner: MR.C.MALLA REDDY

**Counsel for the Respondents: Smt. Jyothi Eswar Gogineni, GP FOR
PANCHAYAT RAJ & RURAL DEV.**

The Court made the following :

ORDER:

The petitioner, in this writ petition, seeks to direct the respondents not to remove or demolish the Balcony of his building bearing Municipal No.12-49 of Huzurabad Town, Karimnagar District without following due process of law.

When the matter is taken up today, learned Government Pleader for Panchayat Raj and Rural Development submitted that the petitioner himself has removed the structure unauthorisedly constructed by him. Therefore, the cause in the writ petition does not survive and has become infructuous.

Recording the said submission of the learned Government Pleader, the Writ Petition is dismissed as having become infructuous. No costs.

(N.V. RAMANA, J)

Date: 05.11.2004

Nsr/Asp

To

- 1 The Executive officer, Gram Panchayat, Huzurabad Town,
Huzurabad, Dist.,Karimnagar.
- 2 The Sarpanch, Grampanchayat Huzurabad,
Huzurabad Town, Karimnagar District.
- 3 Two CCs to GP for Panchayat Raj and Rural Development, High Court
Buildings, Hyderabad (OUT)
- 4 Two CD copies.